

# Kansas Environmental News



October 2002



## Secretary's Corner

*Clyde D. Graeber*

By now, I am sure that everyone is aware of our state's budget crisis. We at KDHE are committed to doing everything possible to provide necessary programs to protect the health and environment of our Kansas citizens.

Even with the unpleasant news with every revenue report, our staff continues to turn in exceptional performance. Four KDHE staff were recognized by EPA headquarters with a team award for deploying EPA's Integrated Grant Management System to the Kansas Department of Health and Environment. Bill Mondi, Kathy Lewis, Tracey Ishinger and Mary Stewart were presented with a plaque at a ceremony October 24, 2002, at the Region VII EPA office. The integrated grant management system allows KDHE to submit EPA grant applications and receive awards electronically.

There have been several excellent reports from this year's State Fair held in early September. Attendance was up and this was obvious in the participation of fair-goers for our Great Hunt for Your Health and Environment. Over 400 people took part in the scavenger hunt of recycled items and health information found throughout the fairgrounds. Upgrades to the facility, especially the air conditioning in some of the buildings, made a much more enjoyable atmosphere. Thanks to our KDHE staff that helped work the booth and to the Bureau of Waste Management for their commitment to Kansas, Don't Spoil It! Day at the Fair. It's nice to be able to highlight some of the truly good work this agency does in a venue that reaches so many people.

This year's annual environmental conference held August 27-28 in Topeka was also a big success with a record attendance of over 300. Four pollution prevention awards were presented at the luncheon on the first day of the conference. This conference

provided participants with an update of new regulations, current trends in environmental quality, new technologies, advantages of pollution prevention and an opportunity to have their questions answered.

Thanks to our KDHE staff for jobs well done!

## Update: Major Air Emission Sources and the Requirements of Maximum Achievable Control Technology (MACT), Section 112(j) of the Clean Air Act Amendments (CAAA) of 1990.

Major Air Emission Sources are facilities whose emissions of a single Hazardous Air Pollutant (HAP) is 10 ton/yr or more, or for any combination of HAPs 25 tons/yr or more. In determining a "major source," all HAP emissions within the contiguous plant site are counted, regardless of whether or not they are covered by a standard. Maximum Achievable Control Technology (MACT) standards are technology-based regulations which control HAP

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emissions from a specific industry or industry process known as a source category (i.e. Petroleum Refinery MACT, Aerospace MACT, etc.) Currently, there are 188 air pollutants listed as HAPs.

An affected source within any source category located at a major source is subject to Section 112(j) requirements, the MACT standards. For example, an industrial boiler emitting 4 tons of HAPs per year would be an affected source if it were located at a major source such as a refinery that emits a total of 40 tons/yr of HAPs.

The CAAA required EPA to issue MACT standards over a 10 year period. If the MACT standards are not issued within 18 months after scheduled date, sources in those source categories must submit (or resubmit) a CAAA Title V Air Emission Operating Permit application to KDHE. For major sources subject to a MACT standard not issued by May 15, 2002, known as the MACT "Hammer" date, KDHE may be required to determine case-by-case MACT equivalent standards, and issue the Title V permit within 18 months after receiving a required two-part notification.

Most, but not all, MACT standards have been proposed by EPA prior to the May 15, 2002 Hammer Date. All of the MACT standards are expected to be promulgated before May, 15, 2004 [except for the Hazardous Waste Combustor (HWC) phase II]. Section 112(j) rule amendments, published April 5, 2002, required a 2-part notification process. Part I notification by sources includes basic information on facility processes which may be subject to one of the MACT standards yet to be promulgated. Part 2 notification to KDHE must contain source category-specific information, including anticipated date of startup for new affected sources, HAPs emitted by affected source with total controlled and uncontrolled emission rates, and applicable existing requirements for affected sources. In addition, the affected source is required to describe air pollution control technology in place, information relevant to the MACT floor (min. control technology), and any other information requested by KDHE. The affected facility has the option to include within the Part 2 notification a recommended MACT floor, recommended MACT limitations, description of control technologies to meet the MACT, and information on monitoring to demonstrate continuous compliance with MACT.

*Sean Bergin, Bureau of Air and Radiation*

## **Kansas Environmental Conference 2002**

This year's annual environmental conference held August 27-28, 2002 at the Maner Conference Center, Topeka, Kansas featured Twyla Dell who delivered a thought-provoking presentation regarding the memorial that we might leave for future generations. This presentation was followed by a plenary session which provided an update by the various regulatory programs.

There were more than 25 concurrent sessions and seminars for attendees to choose from. There was even a tour of the xeriscape gardens at the conference center. The annual pollution prevention awards were presented by Secretary Graeber following the lunch ( See story on page 4). Following the reception on Tuesday evening, some participants enjoyed hiking the trails at the Kansas Museum of History. Thirty one exhibitors were also on hand to visit with conferees.

Next year, the environmental conference will be held in Wichita at the Marriott Hotel on August 26-27. If you are interested in helping plan the program, please call us at 785-296-0669 or 1-800-357-6087. The planning committees will meet this winter and provide topics and speaker ideas for next year. The committees meet only once for two or three hours to help us determine the needs of communities, businesses and others and we are looking for topics that *you* need.

*Theresa Hodges, Bureau of Environmental Field Services*

**KDHE REGULATIONS IN PROCESS**

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	update 10/07/02 PUBLIC HEARING	EFFECTIVE
<b>Waste Management</b>						
Haz.WasteUpdate(A)	7/01	7/01	4/02	4/02	7/02	09/02
Special Waste	6/02	N/A	*10/02	*11/02	*1/03	*3/03
Permits	*10/02	*11/02	*11/02	*12/02	*2/03	*4/03
SWPlanning(A)	*10/02	N/A	*11/02	*12/02	*2/03	*4/03
ConstructionDemo(N)	*10/02	N/A	*11/02	*12/02	*2/03	*4/03
Groundwater	*1/03	*2/03	*2/03	*3/03	*5/03	*7/03
ConstructionQualityAssurance	*3/03	N/A	*4/03	*5/03	*7/03	*9/03
Vertical Expansion (A)	*5/03	N/A	*6/03	*7/03	*9/03	*11/03
Medical Waste	*7/03	N/A	*8/03	*9/03	*11/03	*1/04
<b>Air and Radiation:</b>						
50%Permit-by-Rule(A)	3/02		3/02	4/02	07/23/02	10/04/02
AcidRainPermits(A)	*12/02		*1/03	*1/03	*3/03	*5/03
Acid Rain NOx(N)	*12/02		*1/03	*1/03	*3/03	*5/03
Opacity Rule(A)	*12/02		*1/03	*1/03	*3/03	*5/03
UpdateStds(NSPS,MA)	*11/02		*12/02	*12/02	*2/03	*4/03
MSWLF EG Rules (A)	*1/03		*2/03	*2/03	*4/03	*6/03
Consolidated Air Rule (N)	*12/02		*1/03	*1/03	*3/03	*5/03
Definitions (A)	*12/02		*1/03	*1/03	*3/03	*5/03
PSD Rules (R)(N)	3/02		3/03	4/02	07/23/02	11/02
<b>Water</b>						
SurfaceWaterQualityStds(A)	12/01	*9/02	12/01	12/01	02/03	*05/03
Nat. Gas Liquid Pet. Storage	9/02	NA	10/02	10/02	01/03	03/03
<b>Public Water Supply</b>						
Lead Copper Minor Revisions	7/02	*09/02	12/02	12/02	2/03	03/03
Consumer Confidence Report	7/02	*09/02	12/02	12/02	2/03	03/03
Public Notification	7/02	*09/02	12/02	12/02	2/03	03/03
IESWTR	11/02	*09/02	02/03	02/03	04/03	06/03
Stage 1 DDBP	11/02	*12/02	02/03	02/03	04/03	06/03
LT1	11/02	*12/02	02/03	02/03	04/03	06/03
Filter Backwash Recycling Rule	11/02	*12/02	02/03	02/03	04/03	06/03
Radionuclide Rule	12/02	*1/03	03/03	03/03	04/03	06/03
Arsenic Rule	12/02	*1/03	03/03	03/03	04/03	06/03

New(N), Amended(A), Revoked(R)

\* denotes projected date

Watch for the 2003 Pollution Prevention Awards application on the KDHE web site. Application information will be available after January 1, 2003.

## Four Pollution Prevention Awards presented at the 2002 Environmental Conference

Two Kansas companies, one city, and one coordinating committee received Pollution Prevention Awards presented by the Kansas Department of Health and Environment at the annual environmental conference in Topeka August 27, 2002.

**Aquila, Inc.** was recognized in the new initiatives category for their efforts in bringing non-polluting electric generation technology to Kansas with their development of the Gray County Wind-farm. The Gray County wind project is dedicated to wind generation, partnering with a Kansas township and individual property owners for the development of wind-generated power. Kansas ranks third in the nation in terms of wind power potential. Aquila views its wind energy projects in Kansas as the foundation of Aquila's commitment to provide renewable energy supplies for customers in Kansas and Missouri. Construction of 170 wind turbines was completed in December, 2001. The project has significant environmental qualities. In comparison with an average Kansas generating facility, the Gray County Wind Project is expected to avoid sulfur dioxide and nitrogen oxides emissions of approximately 1,274 and 926 tons per year respectively. In addition by using wind for electric generation approximately 201,490 tons of coal is conserved that would be required to generate the same megawatts.



*Aquila, Inc., left to right: Mike Apprill, Secretary Graeber and Gene Russell.*

The **City of Bel Aire** was recognized in the cooperative efforts category for establishing a successful curbside recycling program by enacting the curbside recycling program at fees equal to or less than most residents currently pay for trash service only. A very active group of volunteers contributed to the success of this program. Through education and outreach activities citizens were informed about the program and informative brochures were supplied to each resident explaining the program and its environmental benefits. The city is currently working on a program that will get leaves and grass out of the trash stream. With the need to conserve natural resources and landfill space, Bel Aire is working hard to do their part "to find environmentally sound ways to dispose of trash that cannot be recycled and face up to their responsibility as the guardians of the future."



*City of Bel Aire, left to right: Joe Forte, Diane Wynn, Secretary Graeber, and Mayor Gary O'Neal*

The **Coordinating Committee for Automotive Repair** was recognized in the education/communication category for their efforts to improve the environment through education and communication with the automotive repair industry. The S/P2 Online Training project addresses the safety and pollution prevention (hence the "S" and the "P2") issues that are important to everyone in the automotive repair or maintenance operations. The S/P2 courses have been designed for two industry segments—collision repair/painting and mechanical service. Since January 1, 2002, S/P2 has been adopted by 513 automotive career and technical

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schools as collision repair or mechanical programs, are being used in 42 state, and are accessible to more than 30,000 students in the automotive trades.



*Coordinating Committee for Automotive Repair, left to right: Liriel Holt, Secretary Graeber and Robert Stewart.*

**N.T. & H. Enterprises, Inc.** was recognized in the special projects category for their efforts to increase the silver recovery from materials in an environmentally responsible manner. N.T. & H. Enterprises, Inc. recovers silver from both the liquid and solid wastes generated by radiographic, lithographic and photographic industries. The repetitive, labor intensive part of separating radiographic films from archived files and the separation of masking from silver based films was solved through accommodating individuals with disabilities. N.T. & H. Enterprises, Inc. linked with the Northview Developmental Employment Service and initiated a way of recycling the materials in an environmentally responsible manner of economic benefit to everyone. Approximately 1.5 million pounds of silver, film, and paper is recycled annually with 981,700 pounds being recycled in the last six months. The recycled material yields 177,441.37 troy ounces of silver valued at approximately \$4.65 per troy ounce for an annual economic impact of \$825,102.37.



*N.T. & H. Enterprises, Inc., left to right: Diane Henderson, Tom Henderson, Kevin Henderson, and Secretary Graeber.*

## Underground Storage Tank Update

The United States Environmental Protection Agency (EPA) passed regulations that established minimum performance standards for Underground Storage Tanks (USTs) in December of 1988. In 1989 the Kansas Legislature passed the Storage Tank Act which enabled the Kansas Department of Health & Environment (KDHE) to adopt the federal regulations, formulate specific regulations and to create a program to help tank owners to meet the financial assurance requirement. The federal regulations provided tank owners with a ten year window to upgrade the UST systems to include release detection, cathodic protection, spill and overfill protection.

KDHE started issuing operating permits in 1991 as a means of ensuring that UST owners or operators complied with the technical and financial responsibility requirements. An operating permit is issued after KDHE receives the necessary documentation that demonstrates the requirements have been met. The permits are issued annually as a means of confirming ongoing compliance. KDHE performs periodic facility inspections to verify the compliance data received and to aid in the distribution of technical information. In some cases, inspections serve to gather evidence for enforcement actions which are usually in response to operating a tank without a permit. Enforcement actions may also be brought against fuel distributors that deliver product to an unpermitted tank.

The agency issues approximately 6900 permits per year. That represents a substantial decrease from the pre - 1998 totals which were around 9100. The ten year window for complying with the upgrade requirements defined in the federal regulations ended in 1998. The cost of upgrading UST systems to comply with the laws forced many owners to close their facilities.

The general consensus of many lawmakers was that once the UST systems were upgraded, the releases of product would stop and the need for remedial activities at UST facilities would cease. Evidence gathered from facility inspections and subsurface investigations at facilities have indicated that currently, releases tend to be less frequent and smaller from upgraded USTs, but releases have not been eliminated. The level of activities the department performs have actually increased in the recent years to insure that tank owners perform the routine

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release detection, maintain their cathodic protection, inventory control, insurance and other required maintenance.

Permitting 6900 USTs throughout the state is a monumental task which requires cooperation from several staff members and support services. Because of this cooperation, enforcement cases have been very limited to date. A substantial amount of staff resources are invested in providing information to tank owners and operators to help them to achieve compliance. The program's priority is to assist the owners and operators in a team effort toward compliance, rather than focus on enforcement.

It has always been held that hard work on the preventative side of the tank program will someday put the remedial side out of business. Real world experience indicates that even though the technology is getting better, its still going to be many years before the remedial staff run out of new projects to manage.

*Tom Winn, Bureau of Environmental Remediation*

## WORKS! 2003

Mark your calendars! In 2003, two traditional Kansas conferences on solid waste management (Recycling and Composting WORKS! and Household Hazardous Waste) will merge into one. The *WORKS! 2003 Conference on Recycling, Composting, and Household Hazardous Waste* will be held March 18 - 22, 2003 on the campus of Southwestern College in Winfield, Kansas. The agenda will be filled with opportunities to learn about recycling, composting, household hazardous waste management and source reduction. The conference will feature a keynote address on homeland security and environmental terrorism issues by Kansas National Guard Adjutant General, Gregory Gardner.

Technical training tracks, seminars by recognized experts, roundtable discussions and equipment demonstrations are all designed to provide the latest information on how to make local programs more effective. An evening dessert reception and

social with conference exhibitors featuring a local bluegrass band is also planned. Registration for the conference will begin in January. Call Marty Burke or Jim Rudeen at 785-296-1600 for additional information.



## Brownfields Program

Every city and county, in both rural and urban areas, has abandoned and underutilized potentially contaminated properties. There are more than 600,000 properties across the nation that are now commonly referred to as "brownfields properties." The expansion, redevelopment, or reuse of these properties are complicated by the presence or potential presence of environmental contamination. Additionally, the potential liability associated with contamination complicates business development, property transactions or expansion on the property. KDHE currently has several programs available to assist with the redevelopment of brownfields properties. The goal of KDHE's Brownfield program is to ensure that contaminated properties owned, or to be purchased by, local governments (city, county) and non-profit organizations are appropriately assessed, cleaned up, and reused.

KDHE has been conducting Brownfields Targeted Assessments (BTA) for municipalities at brownfields properties since 1996. Assessments conducted for municipalities provide information regarding the presence (or absence) of contamination on a piece of property, allowing the city to base redevelopment decisions on the results of the BTA. KDHE's program has saved local communities thousands of dollars in fees associated with property

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assessment and due diligence requirements.

In May 2002, EPA awarded KDHE one million dollars to create a Brownfields Cleanup Revolving Loan Fund (BCRLF). Brownfield revolving loan funds will be utilized for environmental cleanups at properties owned by municipalities, as well as properties owned by not-for-profit organizations, across the state. The purpose of the program is to facilitate the reuse and/or redevelopment of contaminated properties by making low interest loans available for financing environmental cleanups.

On October 28, 2002, EPA hosted an awards ceremony to present KDHE the BCRLF award. Christie Todd Whitman, the administrator for the United States Environmental Protection Agency, presented a ceremonial check for one million dollars to Dr. Ron Hammerschmidt, Director of the Division of Environment, KDHE.

A local government can utilize the brownfields program to address possible health or environmental risks at a property to get that property back in productive use – producing jobs, increasing the community's tax base or adding other benefits such as creating parks or other types of recreational areas.

*Bridget Wilson, Bureau of Environmental Remediation*

## **Kansas School Lab Chemical Sweeps**

The Kansas Department of Health and Environment (KDHE) has launched a new program aimed at removing obsolete or unwanted chemicals from Kansas secondary school laboratories. Many Kansas school laboratories store chemicals which could be hazardous to teachers and students. Chemicals that go unused for decades are often inherited by teachers who have no use for them. Labels often fade or peel off leaving school staff with no way of knowing what substances might be in the container. Schools often do not have the funding to properly dispose of chemicals so they are kept in storage indefinitely. Even under the best of storage conditions, accidents can happen, exposing students and teachers to potentially hazardous substances. In order to address these problems, the School Lab Chemical Sweep program was initiated.

Under the program, any Kansas secondary public or private school can participate free of charge. Participating schools are asked to submit an inventory of hazardous chemicals to KDHE for review. Upon approval of the inventory (non-hazardous wastes are not eligible for the program), the information is sent to the State's hazardous waste contractor, Clean Harbors Environmental Inc. Clean Harbors will contact the school directly to schedule a collection time and date. The contractor will travel to the school for lab packing and pickup - the school will not need to transport the chemicals. In order to keep the collection areas manageable, the program will be implemented on a regional basis beginning in north central Kansas this fall. Funding for the program is from the \$1.00 per ton state fee on solid waste entering Kansas landfills and transfer stations.

For more information on the School Lab Chemical Sweep, contact the Bureau of Waste Management at 785-296-1600.

*Jim Rudeen, Bureau of Waste Management*

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